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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

INDEPENDENCE II HOMEOWNERS
ASSOCIATION; SATICOY BAY LLC, SERIES
9229 MILLIKAN AVE; MILLIKAN AVENUE
TRUST,

Defendants.

Case No.: 2:15-cv-02151-JAD-NJK

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE OF
CLAIMS AGAINST INDEPENDENCE
II HOMEOWNERS ASSOCIATION**

ECF Nos. 71, 106

Plaintiff Nationstar Mortgage LLC (“Nationstar”) and Independence II Homeowners Association (**Independence**), by and through their undersigned counsel, stipulate as follows:

1. This matter relates to real property located 9229 Millikan Avenue, Las Vegas, Nevada 89148 (the **Property**). The Property is more specifically described as:

Parcel I:

Lot 502 in Block 1 of Quartersprings Unit 1 as shown by map thereof on file in Book 114 of Plats, Page 94 in the Office of the County Recorder, Clark County, Nevada.

Parcel II:

An easement for ingress and egress over private streets and common areas as shown and delineated on said map.

APN: 176-08-117-111

2. On October 12, 2012, Nevada Association Services, Inc. (“NAS”) recorded a Foreclosure Deed as Instrument Number 201210120001109 of the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**), reflecting that Millikan Avenue Trust acquired the Property at the foreclosure sale of the Property held October 5, 2012 (the **HOA Foreclosure Sale**). Millikan Avenue Trust subsequently transferred its interest in the Property to Saticoy Bay LLC, Series 9229 Millikan Avenue, by deed recorded with the Clark County Records as Instrument No. 201309300002476.

3. On November 11, 2015, Nationstar initiated a quiet title action related to the Property in the United States District Court, District of Nevada, Case No. 2:15-cv-02151-JAD-NJK (the **Quiet Title Action**), seeking a declaration that Nationstar’s interest in the Deed of Trust, recorded against the Property as Instrument No. 20050225-0003327 (“Deed of Trust”), was not extinguished by the HOA Foreclosure Sale.

4. Nationstar and Independence have entered into a confidential settlement agreement in which they have settled all claims between them in this case.

5. Among other things in the settlement agreement, Independence agrees it no longer has an interest in the Property for purposes of the Quiet Title Action *vis a vis* the Deed of Trust. This disclaimer of interest does not apply to the continuing encumbrance of Independence's declaration of covenants, conditions and restrictions, any governing documents adopted thereunder, easements, servitudes, or other interests on the Property. Independence further agrees it will take no position in this action regarding whether the Deed of Trust survived the HOA Foreclosure Sale.

6. Nationstar does not waive its right to seek relief against the non-settling Parties, including but not limited to Saticoy Bay, LLC Series 9229 Millikan Avenue related to its remaining claims in the Quiet Title Action. Nationstar does not admit the Deed of Trust was extinguished, and any consideration exchanged in exchange for the dismissal of the claims against Independence is not intended to be compensation for any loss of the Deed of Trust.

7. Nationstar and Independence further stipulate and agree all claims between them are dismissed with prejudice, with each party to bear its own attorney’s fees and costs.

8. This Court has set a hearing for Independence’s Motion to Dismiss (ECF No. 71), Saticoy Bay and Millikan Avenue Trust’s Motion to Dismiss (ECF No. 70), Saticoy Bay and Millikan Avenue

Trust's Motion for Summary Judgment (ECF No. 98), and Nationstar's Countermotion for Partial Summary Judgment (ECF No. 78) for September 9, 2019. In light of the settlement, Independence and Nationstar respectfully request that the hearing be vacated as to **only** Independence's Motion to Dismiss (ECF No. 71).


DATED this 20th day of August 2019.

AKERMAN LLP	GORDON REES SCULLY MANSUKHANI LLP
<u>/s/ William S. Haldas</u> DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 WILLIAM S. HABDAS, ESQ. Nevada Bar No. 13138 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for Nationstar Mortgage LLC</i>	<u>/s/ Wing Yan Wong</u> ROBERT S. LARSEN, ESQ. Nevada Bar No. 7785 WING YAN WONG, ESQ. Nevada Bar No. 13622 300 South Fourth Street, Suite 1550 Las Vegas, Nevada 89101 <i>Attorneys for Independence II Homeowners' Association</i>

ORDER

Based on the stipulation between plaintiff and Defendant Independence II Homeowners' Association [ECF No. 106], which I construe as a joint motion under Local Rule 7-1(c) because it was signed by fewer than all the parties or their attorneys, and with good cause appearing, IT IS HEREBY ORDERED that **ALL CLAIMS AGAINST Defendant Independence II Homeowners' Association are DISMISSED** with prejudice, each side to bear its own fees and costs.

IT IS FURTHER ORDERED that the HOA's motion to dismiss [ECF No. 71] is **DENIED** as moot, and the portion of the 9/9/19 hearing scheduled on that motion [ECF No. 104] is **VACATED**.


 U.S. District Judge Jennifer A. Dorsey
 Dated: August 21, 2019